

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 MAY 27 AM 9:51

UNITED STATES OF AMERICA,

Plaintiff,

v.

Monica Yvette PAYAN

Defendant.

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
Magistrate Case No. **08 MJ 163 U**

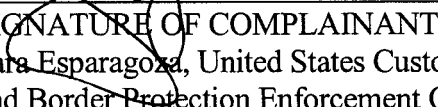
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Alien(s)  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **May 23, 2008**, within the Southern District of California, defendant **Monica Yvette PAYAN**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Jovita RODRIGUEZ-Lapa**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **27<sup>th</sup>** DAY OF  
**May, 2008**.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer Heather Ramos, declare under penalty of perjury the following to be true and correct:

The complainant states that **Jovita RODRIGUEZ-Lapa**, is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 23, 2008, at approximately 2322, **Monica Yvette PAYAN (Defendant)**, applied for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a 1993, silver in color, BMW. A Customs and Border Protection (CBP) Officer apprehended the Defendant, received a negative declaration from the driver and upon inspection of the vehicle noticed a space discrepancy between the rear seat and the trunk area. The CBP Officer elected to escort the vehicle and its occupants to secondary for further inspection.

In secondary, CBP Officers discovered one (1) female adult concealed in a rear seat non-factory compartment of the vehicle. The individual was determined to be a citizen of Mexico without entitlements to enter, reside, or work in the United States. The individual is now identified as: **Jovita RODRIGUEZ-Lapa (Material Witness)**.

During a videotaped proceeding, Defendant was advised of her Miranda rights and elected to submit to questioning without benefit to counsel. Defendant initially stated that she had no knowledge of the concealed individual in the vehicle. Defendant admitted she was driving the vehicle in exchange for money in the amount of \$500.00 USD. Defendant stated she was instructed to drive the vehicle to the United States, where she would phone an unknown male and he would give her directions on where to deliver the vehicle in the United States. Defendant later recanted her statement of not having any knowledge of the concealed individual and admitted that she did in fact have knowledge of the concealed individual. Defendant stated she was in contact with the smuggler prior to leaving the United States and had made arrangements to smuggle a person in exchange for money.

On a separate videotaped interview, Material Witness admitted she is a citizen of Mexico without legal rights to enter, reside or work the United States. Material Witness stated she was unsure of the amount she was to pay to be smuggled into the United States. Material Witness stated she was en route to Fresno, California to visit a friend.

EXECUTED ON THIS 24<sup>th</sup> DAY OF May 2008 AT 0800 HOURS.

 #7548  
Heather Ramos / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on May 23, 2008 in violation of Title 8, United States Code, Section 1324.

  
MAGISTRATE JUDGE

5/24/08 @ 12:56 p.m.  
DATE / TIME